

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT(Under 37 CFR 1.97(b) or 1.97(c) **E**)Docket No.
15527 (PC23200A)

In Re Application Of: Lynn D. Nelson, et al.

DEC 27 2004

Application No.

Filing Date

Examination Status

Customer No.

Group Art Unit

Confirmation No.

10/672,592

September 26, 2003

Unassigned

23389

1614

8663

Title:

USE OF EXCIPIENTS TO INCREASE DNA UPTAKE BY SWINE MUSCLE CELLS

Address to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**37 CFR 1.97(b)**

1. ☒ The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

37 CFR 1.97(c)

2. ☐ The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:

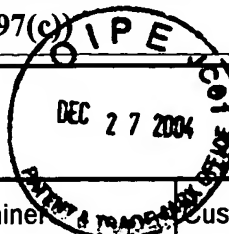
☐ the statement specified in 37 CFR 1.97(e);**OR**☐ the fee set forth in 37 CFR 1.17(p).

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT

(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.
15527 (PC23200A)

In Re Application: Lynn D. Nelson, et al.



| Application No. | Filing Date | Examiner | Customer No. | Group Art Unit | Confirmation No. |
|-----------------|--------------------|------------|--------------|----------------|------------------|
| 10/672,592 | September 26, 2003 | Unassigned | 23389 | 1614 | 8663 |

Title:

USE OF EXCIPIENTS TO INCREASE DNA UPTAKE BY SWINE MUSCLE CELLS**Payment of Fee**

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

- ☐ A check in the amount of _____ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. 19-1013/SSMP as described below.
- ☐ Charge the amount of _____
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.
- ☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**Certificate of Transmission by Facsimile***

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| December 21, 2004 (Date) | |
| _____ Signature of Person Mailing Correspondence | |
| Peter I. Bernstein Typed or Printed Name of Person Mailing Certificate | |

***This certificate may only be used if paying by deposit account.**

Signature

Dated: December 21, 2004

Peter I. Bernstein
Registration No. 43,497
Scully, Scott, Murphy & Presser
400 Garden City Plaza-Suite 300
Garden City, New York 11530
516-742-4343

CC:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Lynn D. Nelson, et al

Examiner: Unassigned

Serial No: 10/672,592

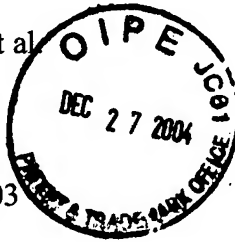
Art Unit: 1614

Filed: September 26, 2003

Docket: 15527 (PC23200A)

For: USE OF EXCIPIENTS TO INCREASE
DNA UPTAKE BY SWINE MUSCLE CELLS

Dated: December 21, 2004



Confirmation No.: 8663

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT

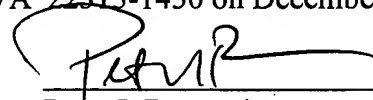
In accordance with 37 C.F.R. §§ 1.97 and 1.98, it is requested that the following references, which are also listed on the attached Form PTO-1449, be made of record in the above-identified case.

1. Blau H.M. et al., "Molecular Medicine-Muscle-Mediated Gene Therapy", *The New England Journal of Medicine* 333(23):1554-1556 (1995);
2. United States Patent No. 5,906,922, dated May 25, 1999 to Whittaker et al.;
3. United States Patent No. 6,040,295, dated March 21, 2000 to Rolland et al.;
4. Hartikka J. et al., "Sodium Phosphate Enhances Plasmid DNA Expression In Vivo", *Gene Therapy* 7:1171-1182 (2000);

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on December 21, 2004.

Dated: December 21, 2004


Peter I. Bernstein

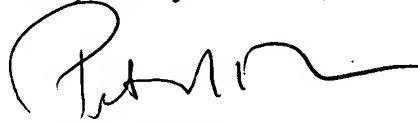
5. Lemieux P. et al., "A Combination of Poloxamers Increases Gene Expression of Plasmid DNA in Skeletal Muscle", *Gene Therapy* 7:986-991 (2000);
6. PCT International Publication No. WO 00/47186, published August 17, 2000;
7. PCT International Publication No. WO 01/60415 A1, published August 23, 2001;
8. United States Patent Application Publication No. 2002/0032166 A1, published March 14, 2002 to Shefter et al.;
9. United States Patent Application Publication No. 2002/0038112 A1, published March 28, 2002 to Mathiesen et al.;
10. United States Patent No. 6,423,693 B1, dated July 23, 2002 to Schwartz et al.; and
11. United States Patent Application Publication No. 2002/0103156 A1, published August 1, 2002 to Lawrence III, et al.

References 2, 3 and 8-11 were cited in the International Search Report dated April 6, 2004. Applicants are submitting a copy of the International Search Report. The relevance of reference nos. 2, 3 and 8-11 has been described in the International Search Report. The relevance of reference nos. 1, 4, 5 and 6 has been described in the specification.

In accordance with the waiver of 37 C.F.R. § 1.98 (a)(2)(i) in effect as of June 30, 2003, applicants are not required to submit copies of the above-cited U.S. Patent Application Publications and U.S. Patents. All other references are enclosed.

Inasmuch as this Information Disclosure Statement is being submitted in accordance with the schedule set out in 37 C.F.R. § 1.97(b), no statement or fee is required.

Respectfully submitted,

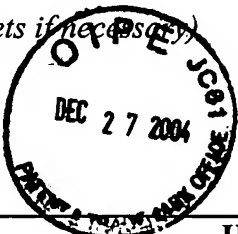
A handwritten signature in black ink, appearing to read 'Peter I. Bernstein', with a stylized, flowing script.

Peter I. Bernstein

Registration No.: 43,497

Scully, Scott, Murphy & Presser
400 Garden City Plaza-Suite 300
Garden City, New York 11530
(516) 742-4343

PIB:dg

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|---|------------|--|------------------------|---|--------------|-----------------|---|------------|-----------|
| Form PTO-1449 (REV. 7-80) U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE <div style="text-align: center;"> LIST OF PRIOR ART CITED BY APPLICANT <i>(Use several sheets if necessary)</i> </div> <div style="text-align: center;">  </div> | | Atty. Docket No. (Optional) 15527 (PC23200A) | | Application Number 10/672,592 | | | | | |
| Applicant(s) Lynn D. Nelson, et al. | | Filing Date September 26, 2003 | | Group Art Unit 1614 | | | | | |
| U.S. PATENT DOCUMENTS | | | | | | | | | |
| EXAMINER INITIAL* | | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE (if appropriate) | | |
| | AA | 5,906,922 | 5/25/99 | Whittaker et al. | | | | | |
| | AB | 6,040,295 | 3/21/00 | Rolland et al. | | | | | |
| | AC | 6,423,693 B1 | 7/23/02 | Schwartz et al. | | | | | |
| U.S. PATENT APPLICATION PUBLICATIONS | | | | | | | | | |
| EXAMINER INITIAL* | | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE (if appropriate) | | |
| | AA | 2002/0032166 A1 | 3/14/02 | Shefter et al. | | | | | |
| | AB | 2002/0038112 A1 | 3/28/02 | Mathiesen et al. | | | | | |
| | AC | 2002/0103156 A1 | 8/1/02 | Lawrence III, et al. | | | | | |
| FOREIGN PATENT DOCUMENTS | | | | | | | | | |
| | REF | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION | | |
| | | | | | | | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">YES</td> <td style="width: 50%;">NO</td> </tr> </table> | YES | NO |
| YES | NO | | | | | | | | |
| | | WO 00/47186 | 8/17/00 | PCT | | | | | |
| | | WO 01/60415 A1 | 8/23/01 | PCT | | | | | |
| OTHER DOCUMENTS <i>(Including Author, Title, Date, Pertinent Pages, Etc.)</i> | | | | | | | | | |
| | | Blau H.M. et al., "Molecular Medicine-Muscle-Mediated Gene Therapy", <i>The New England Journal of Medicine</i> 333(23):1554-1556 (1995) | | | | | | | |
| | | Hartikka J. et al., "Sodium Phosphate Enhances Plasmid DNA Expression In Vivo", <i>Gene Therapy</i> 7:1171-1182 (2000) | | | | | | | |
| | | Lemieux P. et al., "A Combination of Poloxamers Increases Gene Expression of Plasmid DNA in Skeletal Muscle", <i>Gene Therapy</i> 7:986-991 (2000) | | | | | | | |
| EXAMINER | | | DATE CONSIDERED | | | | | | |
| * EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. | | | | | | | | | |